

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LORETTA WATKINS

Plaintiff,

– against –

SELIP & STYLIANOU, LLP  
DAVID A. COHEN

Defendants.  
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Case No.: 1:20-cv-2810 -KAM-JO

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**NOTICE OF ACCEPTANCE OF RULE 68 OFFER OF JUDGMENT**

Plaintiff LORETTA WATKINS file this ACCEPTANCE OF RULE 68 OFFER OF JUDGMENT and asks the clerk to enter judgment based on the same.

On June 24, 2020 Plaintiff filed an Original Complaint against Defendants SELIP & STYLIANOU, LLP and DAVID A. COHEN alleging violations of the Fair Debt Collection Practices Act and GBL § 349. On September 14, 2020, Defendant filed an answer.

On September 29, 2020 Defendants served via email the offer of judgment attached as “**Exhibit A.**” In pertinent part, the offer stated:

Pursuant to Fed. R. Civ. P. 68, Defendants, SELIP & STYLIANOU, LLP and DAVID A. COHEN, (“Selip Defendants”), offer to allow judgment to be taken against the Selip Defendants, jointly and severally, on Plaintiff’s F.D.C.P.A. §1692(e) claim for relief in the amount of Twenty-Five Thousand Dollars, (\$25,000.00), in favor of Plaintiff, LORETTA WATKINS, (“Plaintiff”). This Offer of Judgment is inclusive of all statutory and actual damages, attorneys’ fees and costs that Plaintiff is allowed to recover under 15 U.S.C. §1692 et. seq.

On October 8, 2020 Plaintiff accepted the offer of judgment via email attached as **“Exhibit B.”**

Plaintiff now asks the Clerk to enter the judgment attached as **“Exhibit C”** pursuant to the terms of the Offer of Judgment.

After a plaintiff accepts a Rule 68 offer of judgment, either party may file the offer and acceptance with the clerk of the court, who shall then enter judgment. Fed.R.Civ.P. 68 (emphasis added). Entry of judgment is mandatory and self-executing. Mallory v. Eyrich, 922 F.2d 1273,1279 (6th Cir.1991) (“By directing that the clerk shall enter judgment after proof of offer and acceptance have been filed, the explicit language of the rule signifies that the district court possesses no discretion to alter or modify the parties' agreement”); Webb v. James, 147 F.3d 617, 621 (7th Cir.1998) (“Rule 68 operates automatically, requiring that the clerk ‘shall enter judgment’ upon the filing of an offer, notice of acceptance and proof of service. This language removes discretion from the clerk or the trial court as to whether to enter judgment upon the filing of the accepted offer”); Perkins v. U.S. West Communs., 138 F.3d 336, 338 (8th Cir.1998) (“Rule 68 leaves no discretion in the district court to do anything other than enter judgment once an offer of judgment has been accepted.”), See also Ramming v. Natural Gas Pipeline Co. of Am., 390 F.3d 366, 370 (5th Cir.2004) (entry of judgment is mandatory, except for class actions and judgments for declaratory relief)..

Plaintiff prays for the entry of judgment in this case, and for all relief in law and equity to which Plaintiff may be entitled.

Respectfully submitted,  
/s/

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